

UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO

IN RE:
WILSON JESEPH CENTENO NIEVES

CASE NO. 11-02602-ESL

CHAPTER 13

DEBTOR (S)

**AMENDED TRUSTEE'S UNFAVORABLE REPORT
ON PROPOSED PLAN CONFIRMATION UNDER §1325**

TO THE HONORABLE COURT: NOW COMES, José R. Carrión, Chapter 13 Trustee, and very respectfully alleges and prays:

This is the Trustee's position regarding the request, under **11 U.S.C. §1325**, for the confirmation of a Chapter 13 Plan.

Debtor(s)' Income: **Above Median / 60 months commitment period.** Gen Unsecured Pool: **\$0.00**

The **LIQUIDATION VALUE** of the estate has been determined in **\$0 R2016 STM. \$3,000.00**

TOTAL ATTORNEYS FEES THRU PLAN: \$2,350.00 Fees paid: \$0.00 Fees Outstanding: \$2,350.00
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With respect to the proposed (amended) Plan dated: **March 30, 2011** (Dkt 2). Plan Base: **10,800.00**

The proposed (amended) plan can not be confirmed because it has the following deficiencies:

- Feasibility: Default in Post Petition DSO payments. [§1325(a)(8)]

Debtor has failed to provide evidence of being current with DSO post-petition payments.

- Fails Disposable Income Test [11 U.S.C. §1325(b)]

Debtor has failed to submit evidence of food stamp benefits and evidence of income received on August 2011 in order to corroborate Debtor's disposable income.

- Other/Comments

Debtor's income comes from odd jobs, thus, Debtor must amend the Schedule I to move the income from line 1 to line 7 since the same is not wages, salary and/or commission.

Due to the above described deficiencies in the proposed plan the Trustee Objects to the Confirmation of the same.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(s), and to her/his/their attorney through CM-ECF notification system.

In San Juan, Puerto Rico this September 20, 2011.

/s/ Mayra Arguelles -Staff Attorney

JOSE R. CARRION
CHAPTER 13 TRUSTEE
PO Box 9023884, San Juan, PR 00902-3884
Tel. (787) 977-3535 Fax (787) 977-3550

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